

SO ORDERED: May 16, 2007.



  
Frank J. Otte  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE:

JOHN WILLIAM TODD           )  
JANET LOU TODD            ) CASE NO. 06-06916-FJO-13  
                                  )  
Debtors                     )

**ORDER**

This matter came before the Court upon the filing by the Debtors of the Motion to Avoid Wholly Unsecured Mortgage of American General Financial Services, Inc. ("American General") and the Objection filed thereto. The Court held a hearing on this matter on May 16, 2007.

At said hearing, the Debtor, Janet Lou Todd, testified as to her opinion on the value of the property; giving the range of value at \$80,000.00 to \$85,000.00. American General called as its witness a qualified appraiser whose opinion as to the value of the property was approximately

\$100,000.00.

The Court, after hearing the testimony of the witnesses, finds that the value of the property for purposes of the motion before it is \$100,000.00. The Debtors estimate their first mortgage indebtedness to Amn Amro Mortgage as \$90,884.00. They list their second mortgage indebtedness to American General at approximately \$15,000.00. Based thereon, this Court finds that American General's rights pursuant to said mortgage can not be modified pursuant to Section 1322 of the Bankruptcy Code; and relief prayed for in the Motion should be DENIED and the Objection SUSTAINED.

It is, therefore

ORDERED, ADJUDGED and DECREED that the Motion to Avoid Wholly Unsecured Mortgage of American General Financial Services, Inc. ("American General") filed by the Debtors is hereby DENIED and the Objection filed thereto is SUSTAINED.

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